APPENDIX

BOARD ON PROFESSIONAL RESPONSIBILITY
DISTRICT OF COLUMBIA COURT OF APPEALS

Bar Docket No. 1982-81

In the Matter of

WILLIAMS A. BORDERS, JR.

Number 050898

REPORT AND RECOMMENDATION

The Respondent attorney has been convicted in U.S. District Court for the Southern District of Florida [*sic*] of violating the following sections of the Federal Criminal Code: (1) 18 U.S.C. 371; (2) 18 U.S.C. 2 and 1503; and (3) 1952.[1]

The D.C. Court of Appeals, on June 7, 1982, ordered Respondent suspended from the practice of law in the District of Columbia and referred the matter to this Board for a recommendation as to whether or not in the Board's opinion the crimes of which Respondent has been convicted involve moral turpitude within the meaning of 11 D.C. Code 2503(a).[2]

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1. A copy of each of these statutes is appended for the Court's convenience.

2. The Court's order of reference did not mention 18 U.S.C. 201(c), but as this statute was specifically tied in with the conspiracy statutes (Section 371) in the indictment the Board has also attached a copy of the statute to this Report for the Court's convenience.

The Board notified the Respondent of the institution of formal proceedings under the Court's Order, but Respondent has failed to appear or file with the Board any brief or other submission.

In the opinion of the Board two of the crimes of which Respondent stands convicted necessarily involve moral turpitude *per se* and it is therefore unnecessary for the Board to refer this case to a Hearing Committee at this time to take testimony as to factual details of these crimes of Respondent.[3]

The Board deems it unnecessary to reach the issues at this time as to whether a violation of 18 U.S.C. 2 and 18 U.S.C. 1952, taken together, necessarily involves moral turpitude.

18 U.S.C. 371 makes participation in a conspiracy to commit a substantive Federal crime or fraud against the United States a crime in itself; and 18 U.S.C. 2 provides that one who aids and abets in the commission of a Federal crime is guilty as though he were a principal. With this in mind we turn now to a brief summary of the substantive statutes under which Respondent was convicted with a statement of the reasons why we hold that each statutory crime necessarily involves moral turpitude.

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3. *In re Colson*, D.C. App., 412 1160 (1979).

(1)
18 U.S.C. 371 (with 18 U.S.C. 201(c)
Conspiracy Involving Contemplated
Receipt of a Bribe by a Public Official

Section 201(c) makes it a crime for a public official to directly or indirectly solicit, receive or agree to receive anything of value for himself or any other person or entity in return for influencing his official duty or the commission of a fraud upon the United States. Respondent's conviction under § 371 for violation of § 201(c) necessarily means that he has been engaged in a conspiracy to have a public official solicit or receive a bribe. See *U.S. v. Brewster*, 165 U.S. App. D.C. 1, 506 F.2d 62 (1974). We are of the opinion that participation in the bribery or attempted bribery of a public official inherently involves moral turpitude. See *In re Willcher*, D.C. App., decided July 2, 1982.[4]

(2)
18 U.S.C. 2 and 18 U.S.C. 1503
Influencing or intimidating a
Witness, Juror or Officer in U.S. Courts

Respondent was convicted of violating these two statutes which together make it a crime to aid and abet in influencing or attempting to influence any witness, juror or officer in a United States court by intimidation, force or threats, or other corrupt means. We are of the opinion that this inherently involves obstruction of justice, and therefore moral turpitude. *In re Colson, supra.*

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4. Cf. *Attorney Grievance Commission v. Brewster*, 374 A.2d 602 (Md. 1977).

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Respondent has appealed from his convictions to the U.S. Court of Appeals for the Eleventh Circuit, and the Board is advised that his appeal is still pending. The Board recommends that in the event Respondent's conviction becomes final under either (1) 18 U.S.C. 371 (with 18 U.S.C. 201(c), or (2) 18 U.S.C. 1503 he be disbarred from the practice of law in the District of Columbia pursuant to 11 D.C. Code 2503(a).

BOARD ON PROFESSIONAL RESPONSIBILITY

By: Edmund D. Campbell

All members of the Board concur in this Report.

Date: November 2, 1982